

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**LISTING OF CLAIMS:**

1. Cancelled.
2. Cancelled.
3. Cancelled.
4. Cancelled.
5. Cancelled.
6. Cancelled.
7. Cancelled.
8. Cancelled.

9. Cancelled.

10. Cancelled.

11. Cancelled.

12. Cancelled.

13. Cancelled.

14. Cancelled.

15. Cancelled.

16. (Original) A data communication program to cause a computer to execute:

a confirmation step of confirming reception of electronic mail attached with one of a plurality of firmware, each firmware having a memory write priority level set,

an acquirement step of acquiring information relating to said priority level of said attached one firmware from said electronic mail,

a determination step of determining whether said attached one firmware attains a write allowable state into a predetermined memory based on said acquired information relating to a priority level, and

a permission step of permitting writing of said one firmware into a predetermined memory when it is determined the firmware attached attains a write allowable state by said determination step.

17. (Original) The data communication program according to claim 16, further causing the computer to execute a write step of writing said one firmware into a predetermined memory when writing is permitted by said permission step.

18. (Original) The data communication program according to claim 16, wherein said determination step determines a write allowable state when the priority level of said attached one firmware is highest among firmware not written into a memory out of said plurality of firmware.

19. (Original) A computer-readable recording medium in which is recorded a data communication program defined in claim 16.

20. (Original) A data communication apparatus comprising: ~

a confirmation portion for confirming reception of electronic mail attached with one of a plurality of firmware, each firmware having a memory write priority level set,

an acquirement portion for acquiring information relating to said priority level of said attached one firmware from said electronic mail,

a determination portion for determining whether said attached one firmware attains a write allowable state into a predetermined memory based on said acquired information relating to a priority level, and

a permit portion for permitting writing of said one firmware into a predetermined memory when it is determined the firmware attached attains a write allowable state by said determination portion.

21. (Original) The data communication apparatus according to claim 20, further comprising a writing portion for writing said one firmware into a predetermined memory when writing is permitted by said permit portion.

22. (Original) A data communication method comprising:

a confirmation step of confirming reception of electronic mail attached with one of a plurality of firmware, each firmware having a memory write priority level set,

an acquirement step of acquiring information relating to said priority level of said attached one firmware from said electronic mail,

a determination step of determining whether said attached one firmware attains a write allowable state into a predetermined memory based on said acquired information relating to a priority level, and

a permission step of permitting writing of said one firmware into the predetermined memory when it is determined said attached one firmware attains a write allowable state by said determination step.

23. (Original) A recording medium recorded with a data communication program that causes a computer to execute processes of:

acquiring information relating to a rewrite priority level of firmware from electronic mail with one of a plurality of firmware attached,

determining whether said firmware attached to electronic mail is writeable into a memory based on said acquired information relating to a priority level, and writing said one firmware into said memory when determination is made that writing is allowed by said determination.

24. (Original) The recording medium according to claim 23, wherein said plurality of firmware correspond to division of firmware for one module into a plurality of parts, and the priority level corresponds to an order of division.

25. (Original) The recording medium according to claim 23, wherein said plurality of firmware are respective firmware for a plurality of modules.

**REMARKS**

The currently pending claims correspond to those which were non-elected in parent Application No. 10/106,099. Favorable consideration is respectfully requested.

Respectfully submitted,

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